

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLERA CORPORATION, MDS INC.,
and APPLIED BIOSYSTEMS/MDS
SCIEX INSTRUMENTS,

Plaintiffs and
Counter-Defendants,

v.

THERMO ELECTRON CORPORATION,

Defendant and
Counter-Plaintiff.

THERMO FINNIGAN LLC,

Plaintiff and
Counter-Defendant,

v.

APPLERA CORPORATION, MDS, INC.,
and APPLIED BIOSYSTEMS/MDS
SCIEX INSTRUMENTS,

Defendants and
Counter-Plaintiffs.

THERMO FINNIGAN LLC,

Plaintiff and
Counterclaim Defendant,

v.

APPLERA CORPORATION,

Defendant and
Counterclaim Plaintiff.

Civil Action No. 04-1230-GMS

Civil Action No. 05-110-GMS

(Consolidated)

Civil Action No. 04-1505-GMS

ORDER

At Wilmington this **15th** day of **November, 2005**,

IT IS ORDERED that a teleconference has been scheduled for **Thursday, January 12, 2006 at 8:30 a.m. EST to be initiated by counsel for Applera** to discuss the status of the cases and its effect on the mediation.

IT IS FURTHER ORDERED that the mediation conference tentatively scheduled for Tuesday, December 20, 2005 at 9:00 a.m. has been canceled and shall go forward on **Tuesday, April 25, 2006** beginning at **9:00 a.m.** Should an earlier date become available after the Markman hearing presently scheduled for January 9, 2006 (for two of the cases), and the projected time frame for the Markman opinion, the Court shall advise counsel.

Since the mediation is scheduled for April 25, 2006, the due date for the submissions is now **Friday, April 17, 2006**. All other provisions of the Court's Order of June 20, 2005 shall remain in full force and effect.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE